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**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1266, L.D. 1714, Bill, “An Act To Restrict Further the Amount of Methamphetamine Precursors That May Be Bought or Sold”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**Sec. 1. 32 MRSA §13796, sub-§1**, as amended by PL 2007, c. 402, Pt. DD, §32, is repealed.

**Sec. 2. 32 MRSA §13796, sub-§1-A** is enacted to read:

**1-A. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Electronic logging system" means a system that:

(1) Blocks the illegal sale of over-the-counter cold and allergy medications containing a targeted methamphetamine precursor;

(2) Is available free of charge to the State and its taxpayers, retailers and law enforcement;

(3) Operates in real time and communicates across state lines in real time with similar systems; and

(4) Complies with the requirements of the national Criminal Justice Information Exchange or its successor program and the National Information Exchange Model or its successor program.

B. "Override function" means a function in an electronic logging system that may be used to override a stop-sale alert and allows the completion of a sale.

C. "Package" means an item packaged and marked for retail sale that is not designed to be broken down or subdivided for the purpose of retail sale.

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1 D. "Retailer" or "retail store" means a person or business entity engaged in this State  
2 in the business of selling products to the general public on a retail basis, including  
3 pharmacies.

4 E. "Sale" or "sold" includes barter, exchange, transfer and gift.

5 F. "Stop-sale alert" means a notification that alerts the retailer that completion of the  
6 sale would result in the seller's or purchaser's violating the targeted  
7 methamphetamine precursor quantity limits.

8 **Sec. 3. 32 MRSA §13796, sub-§3**, as amended by PL 2007, c. 402, Pt. DD, §33,  
9 is further amended to read:

10 **3. Restrictions on the sale of targeted methamphetamine precursors.** The  
11 following restrictions on location in the retail store, manner of sale and amount of sale  
12 apply to sales of targeted methamphetamine precursors. The limits under this subsection  
13 on the amount of targeted methamphetamine precursors that may be sold apply to the  
14 total amount of base ephedrine, phenylpropanolamine and pseudoephedrine contained in  
15 packages and not the overall weight of the packages.

16 A. A retailer may not sell ~~more than 3 packages of a targeted methamphetamine~~  
17 ~~precursor per transaction~~ to the same person a targeted methamphetamine precursor  
18 that causes the sales to that person of targeted methamphetamine precursors within a  
19 24-hour period to exceed 3.6 grams.

20 A-1. A person may not purchase more than 3.6 grams of a targeted  
21 methamphetamine precursor within a 24-hour period.

22 A-2. A retailer may not sell to the same person a targeted methamphetamine  
23 precursor that causes the sale to that person of targeted methamphetamine precursors  
24 within a 30-day period to exceed 9 grams.

25 A-3. A person may not purchase more than 9 grams of a targeted methamphetamine  
26 precursor within a 30-day period.

27 B. Except with regard to single-dose packages of not more than 60 milligrams that  
28 are kept within 30 feet and in direct line of sight of a staffed cash register or store  
29 counter, a retailer ~~must~~ shall keep targeted methamphetamine precursors in a location  
30 that is locked or otherwise not accessible by customers.

31 C. Except with regard to single-dose packages of not more than 60 milligrams that  
32 are kept within 30 feet and in direct line of sight of a staffed cash register or store  
33 counter, the sale of targeted methamphetamine precursors must be completed by:

34 (1) A licensed pharmacist or licensed pharmacy technician; or

35 (2) An employee of the retailer who accepts payment for the targeted  
36 methamphetamine precursor as long as:

37 (a) The employee works under the direct supervision of a pharmacist in the  
38 pharmacy area of the retail store; and

39 (b) A licensed pharmacist or licensed pharmacy technician has given  
40 individual, express approval for the purchase.

1           D. Except with regard to single-dose packages of not more than 60 milligrams that  
2           are kept within 30 feet and in direct line of sight of a staffed cash register or store  
3           counter, a retailer shall require a person purchasing a targeted methamphetamine  
4           precursor to present a valid government-issued photograph identification document at  
5           the point of sale. A retailer shall record the:

6                     (1) Name and address of the purchaser;

7                     (2) Name of the targeted methamphetamine precursor purchased including the  
8                     number of grams the product contains;

9                     (3) Date and time of purchase; and

10                    (4) Form of identification presented, issuing government entity and  
11                    corresponding identification number.

12           E. Except with regard to single-dose packages of not more than 60 milligrams that  
13           are kept within 30 feet and in direct line of sight of a staffed cash register or store  
14           counter, a retailer shall maintain a written or electronic logbook and require a person  
15           purchasing a targeted methamphetamine precursor to sign the logbook. A purchaser  
16           must sign the logbook acknowledging that the purchaser understands the applicable  
17           sales limit and that providing false statements or misrepresentations in the logbook  
18           may subject the purchaser to criminal penalties under 18 United States Code, Section  
19           1001.

20           **Sec. 4. 32 MRSA §13796, sub-§§5 to 7** are enacted to read:

21           **5. Electronic logging.** Beginning January 1, 2013, a retailer who has access to the  
22           Internet shall, before completing a sale under this section, electronically submit the  
23           information obtained pursuant to subsection 3, paragraph D to an electronic logging  
24           system. If the electronic logging system generates a stop-sale alert, the retailer may not  
25           complete the sale. If the retailer has concern for personal safety or the safety of others if  
26           a sale is not completed, the retailer may use the system's override function to complete  
27           the sale and must maintain a log of the sale. If the retailer experiences mechanical or  
28           electronic failure of the electronic logging system and is unable to comply with the  
29           electronic logging requirement, the retailer shall maintain a written log or an alternative  
30           electronic record-keeping mechanism until such time as the retailer is able to comply with  
31           the electronic logging requirement.

32           **6. Immunity; presumption of good faith.** A retailer is immune from liability for  
33           any claims, costs, expenses, injuries, liabilities, losses or damages of any kind resulting  
34           from the retailer's use of the electronic logging system in accordance with this section  
35           unless the injury or loss is the result of willful, reckless or intentional misconduct by the  
36           retailer. In a civil proceeding in which the retailer's use of an electronic logging system  
37           pursuant to this section is an issue, there is a rebuttable presumption of good faith on the  
38           part of the retailer.

39           **7. Political subdivision ordinances.** A political subdivision, as defined in Title  
40           30-A, section 2252, may not adopt an ordinance regulating the sale or purchase of a  
41           targeted methamphetamine precursor, and any ordinance that violates this subsection is  
42           void and has no force or effect.

